

**Minutes of:** CALIFORNIA STATE ATHLETIC COMMISSION  
**Meeting Specifics:** Regular Commission Meeting  
April 20, 2002 – 12:00 p.m.  
Glendale – Hilton  
100 West Glenoaks Blvd  
Glendale, CA 91202

**1. CALL TO ORDER BY CHAIRMAN**

Commissioners Present: Manuel “Cal” Soto, Chairman  
Elmer Costa, Vice-Chairman  
Alvin Ducheny  
Sanford Michelman  
Armando Vergara  
Van Gordon Sauter

Staff Present: Rob Lynch, Executive Officer  
Anita Scuri, DCA Legal Counsel  
Frank Munoz, Recording Secretary  
Dean Lohuis, Chief Inspector  
Sal Barajas, Assistant Chief Inspector

**2. APPROVAL OF FEBRUARY 9, 2002 COMMISSION MEETING MINUTES**

**Action:** Motion by Commissioner Vergara and seconded by Commissioner Ducheny to approve the February 9, 2002 minutes without corrections.

**Vote:** Unanimous

**3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING**

Chairman Soto stated that he and his wife attended two boxing events, one in Ontario and one in San Jacinto. He explained the Ontario fight was a “so-so” event but it drew a good crowd. He stated that the San Jacinto event was a good show and that all the bouts were well matched and attendance was good. He added that he also watched the Friday Night Fights on television.

He reported he had also attended the Officials/Inspectors Clinic and received a lot of information. He believed that there was too much restriction on the Referees. In his opinion, he felt as if the Referees were being asked to stand at attention and be inspected before each bout, to which Chairman Soto felt it was inappropriate considering the

responsibilities of the Referee already in the ring. Overall Chairman Soto felt it was an informative Clinic.

Chairman Soto stated he met with the President of Mexico, President Fox. He noted that President Fox was not a fan of boxing.

#### **4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE THE LAST MEETING**

Mr. Lynch reported that on March 20, 2002 he met with Assembly Member Tanaka and Senator Polanco regarding possible funding and legislation to permit the Commission to regulate Mixed Martial Arts. He advised that Assembly Member Tanaka is definitely not interested in authoring such a bill, however Senator Polanco did show interest as an author.

Mr. Lynch updated the Commission regarding the April 3, 2002 Officials Clinic that took place in Los Angeles. He stated that Chairman Soto, Commissioner Al Ducheny, and Commissioner Van Gordon Sauter were also in attendance. Mr. Lynch felt that the clinic was well-attended and thanked Sal Barajas and Dean Lohuis for a well-done performance. He wanted to clarify that when the Code of Ethics for the officials were discussed at the clinic that the assumption was made that the Commissioners fall under the same Code. This assumption is untrue. Commissioner Al Ducheny commented that although the Commissioners do not necessarily fall under this Code of Ethics, they do fall under the umbrella of all appointed positions in the State of California in that they are restricted to gifts accepted. Commissioner Ducheny added that this is not the same Code as a Referee or a Judge. He stated that as policy makers the Commissioners are in essence Ambassadors and may socialize with promoters. Mr. Lynch agreed that the Commissioners should conduct themselves as Ambassadors.

Mr. Lynch informed the Commission that on April 15, 2002 he and Ms. Leydis Church attended a prehearing meeting with a consultant from the Senate Committee on Budget and Fiscal Review regarding funding issues for the regulation of Mixed Martial Arts. He added that also in attendance were representatives from the Department of Finance, Department of Consumer Affairs, the Legislative Analyst's Office, and a staff member from Senator Polanco's office. He stated that despite what is clearly specified and defined in statute the Department of Finance continues to claim that it is the Administration's position that the Athletic Commission does not have clear jurisdiction over Mixed Martial Arts. Mr. Lynch suggested that an author be found to remedy the situation.

Mr. Lynch updated the Commission on the status of the 2002-2003 budget. He stated that the budget had passed on April 16, 2002 with the Assembly floor Budgets Sub-Committee #4. This sub-committee is made up of Assembly Members Nakano, Campbell, Pacheco, Papan and Wright. He added that on April 22, 2002 the 2002-2003 budget will be heard on the Senate side with Senate Committee Four, which includes Members Polanco, Ackerman and Dunn. He stated that this time the budget is not on consent because we will be asking for funding for Mixed Martial Arts. Mr. Lynch and

Commissioner Ducheny are planning on attending with the intent of persuading the Committee that the sport should be regulated.

Mr. Lynch explained that the Invitation for Bid (IFB) for the pension plan's investment services provider has been submitted to the Department of Consumer Affairs (DCA) Business Services Office. He stated that on April 29, 2002 the IFB will go out for the mandatory 10-day advertising period. This will be available on DCA's website. He added that after the 10-day period, there will be an additional 14-day advertising period for small business purposes. He explained that these small business are made up of minority businesses, disabled veterans businesses and others. He noted that it would be approximately June 7, 2002 for the opening of the bid.

At this point, Commissioner Ducheny advised that he would like an accounting of the funds that were either profited or lost for the last fiscal year. Commissioner Michelman stated that he would also appreciate an accounting and was under the impression that this would be done after additional information had been gathered.

## **5. APPEAL OF SUSPENSION & FINE – ACTION**

### **5.1 David Morrow – Licensed Second – Appeal of Suspension/Fine**

Mr. Barajas reported that Mr. Morrow was a licensed second as well as a kickboxer. He stated that Mr. Morrow's licenses were suspended and he was fined \$1000 as a result of his behavior towards Mr. Barajas on August 31, 2001 in Long Beach. Mr. Barajas added that this was a violation of California State Athletic Commission Rule 360, Abuse of Officials.

He informed the Commission that on that date, Mr. Morrow was a second to Mr. Kevin Alicke. Mr. Barajas stated that during this bout, he informed Mr. Morrow that he was over coaching and requested that Mr. Morrow lower his voice. Subsequently, Mr. Morrow, according to Mr. Barajas, replied loudly "I can tell my fighter any fucking thing I want". Mr. Barajas stated that he informed Mr. Morrow that if he did not get off of the ring apron and lower his voice, that he would be fined, his license suspended and he would be removed from the corner. To this Mr. Morrow answered, "Go ahead and take my fucking license, I don't give a fuck". At this point Mr. Morrow was notified that all previous suggested repercussions were going to be implemented and Mr. Morrow would be removed by security from the building. Mr. Barajas stated that Mr. Joseph Borrielli, an Inspector with the California State Athletic Commission spoke to Mr. Morrow and had Mr. Morrow removed.

Mr. Barajas explained that Mr. Morrow requested a hearing by the Commission to reconsider his suspension and fine. Mr. Barajas stated that Tom Khamvongsa of Lowkick Productions also sent a letter requesting Mr. Morrow be placed on the agenda for this appeal. He pointed out that at this time Mr. Morrow has been without a license for almost eight months. Mr. Barajas further explained that Commission records indicate

that Mr. Morrow has been involved in martial arts since 1994. Mr. Morrow's ring record as an amateur kickboxer is eight wins and five losses with two wins by knockout. Mr. Barajas stated that Mr. Morrow also sent a letter of apology to Mr. Barajas for his actions. In this letter Mr. Morrow stated "I am very confident in telling you that an incident involving the Commission and myself will never happen again". Mr. Barajas stated that Mr. Morrow's change of behavior could assist the Commission with its goal of improving the image of boxing in California.

At that point, Mr. Barajas gave the following options to resolve the issue:

1. The Commission may deny Mr. Morrow's appeal for reinstatement of his license and fine of \$1000 would remain.
2. The Commission may approve Mr. Morrow's request for reinstatement and rescind the fine of \$1000.
3. The Commission may approve Mr. Morrow's request for reinstatement and reduce the fine to an amount the Commission deems appropriate.

Mr. Barajas stated that staff recommends option three and asked Mr. Morrow if he would like to speak on his behalf.

Mr. Morrow stated that he was "caught up in it" and "did not know who you (Mr. Barajas) were". He stated that he had no reason and it was "dumb". At this time Mr. Barajas informed Mr. Morrow that it was his duty to enforce the Rules and to make sure that the image of boxing is not blemished any further than it has already been with many of the incidents that have occurred. Mr. Barajas explained that martial arts is part of the Commission's responsibility of overseeing the events. He stated that it is treated the same as boxing as far as rules are concerned. He further explained that it was for Mr. Morrow's safety that he not over coach his fighter. He suggested that Mr. Morrow use the time in between rounds to coach his fighter as other well known cornerman are known to do. Mr. Barajas also stated that his actions blocked the view of the crowd and was distracting. Mr. Barajas informed Mr. Morrow that he feels that Mr. Morrow's apology was sincere and felt the Commission would make a fair decision.

At this time, Chairman Soto asked Mr. Morrow how long he had been kickboxing. Mr. Morrow replied since 1989. Chairman Soto stated that Mr. Morrow's language was extremely inappropriate. Mr. Morrow again apologized to Chairman Soto.

Commissioner Sauter noted that Commissioner Michelman and himself have spoken regarding a way to direct information down to those individuals in the various capacities that conduct the sport on a regular basis.

Mr. Barajas explained to Commissioner Sauter that before each event a meeting is held in which all participants and their cornerman are expected to attend. During this meeting the participants and their cornerman are told that abuse of officials will not be tolerated as well as the other various rules pertaining to each event. Mr. Barajas added that Mr. Morrow did not attend this meeting for this event. Commissioner Sauter then asked Mr.

Morrow how many of these type of meetings had he attended in the past at other events, to which Mr. Morrow stated approximately 30 to 40. Mr. Morrow added that normally the meetings were short and that recognizing Commission representatives was not always easily done. Mr. Morrow stated that he now knows who the Commission representative's are.

Commissioner Michelman asked Mr. Barajas at what point if any, was Mr. Morrow told who Mr. Barajas was. Mr. Barajas stated that if Mr. Morrow was in attendance at the meeting prior to the event, he would have known that Mr. Barajas was an Inspector. Mr. Barajas suggested to Commissioner Michelman that at future events Mr. Barajas would approach each corner and inform them that he (Mr. Barajas) is an Inspector for the California State Athletic Commission. Commissioner Michelman explained to Mr. Barajas that he was trying to establish what happened from chronological point of view. Mr. Barajas stated that he felt that, as a professional Mr. Morrow should have maintained his composure regardless of who he was speaking to.

Commission Michelman then asked Mr. Morrow what the conversation between Inspector Borrielli and he entailed. Mr. Morrow stated that Inspector Borrielli explained who Mr. Barajas was. Mr. Morrow agreed with Inspector Borrielli to leave and security followed Mr. Morrow out.

Commissioner Ducheny asked Mr. Morrow if he was aware that he was not to over coach his fighter. Mr. Morrow replied that he was and the language that was used was "dumb". Commissioner Ducheny then asked Mr. Morrow for an explanation as to why he did not send a partial payment of the fine. Mr. Barajas suggested that perhaps Mr. Morrow was not financially able to pay the fine.

Chairman Soto asked if Mr. Morrow had ever done this before. Mr. Morrow stated that this had never occurred before. Commissioner Michelman asked Mr. Barajas if there had been any disciplinary action taken against Mr. Morrow in the past. Mr. Barajas stated that it had not.

With that in mind, Commissioner Ducheny moved that Mr. Morrow's license be reinstated once the fine of \$1000 was paid. Mr. Morrow stated that he was not in a financial situation to pay a fine of \$1000.

Commissioner Sauter moved that Mr. Morrow's license be reinstated and the staff is given the discretion to set the actual amount of fine.

**Action:** Motion by Commissioner Sauter and seconded by Commissioner Michelman to give the discretion of the actual amount of fine to the staff and once paid or agreed to a payment schedule, Mr. Morrow's license be reinstated.

**Vote:** Unanimous

**6. LICENSE APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS – ACTION**

**6.1 Oscar De La Hoya - dba Golden Boy Promotions – Professional Boxing Promoter – Original**

Mr. Lynch informed the Commission that Mr. De La Hoya dba Golden Boy Promotions was applying for an original 2002 professional boxing promoter license. Mr. Lynch explained that Stephen Espinoza who is the legal counsel for Mr. De La Hoya would be representing Mr. Oscar De La Hoya along with Mr. Roy Englebrecht whose capacity is Chief Operating Officer. Golden Boy Promotions was originally issued a temporary license on February 4, 2002. Mr. Lynch stated that to date Golden Boy Promotions has promoted three events; Bakersfield, Irvine and the Pala Casino. Mr. Lynch added that all of the events had featured quality bouts and were financial successes. He further stated that staff has experienced no problems with any of the promotions. At that point, Mr. Lynch recommended that Mr. De La Hoya be granted a 2002 professional boxing promoter license.

Legal Counsel Anita Scuri stated that the application was not Mr. De La Hoya's but the corporation Golden Boy Promotions. Ms. Scuri stated that the name of the applicant needed to be changed to reflect Golden Boy Promotions. She further stated that the signature was absent and that the president of the corporation or the Agent of Service for the corporation must sign the application.

Vice-Chairman Elmer Costa pointed out that item #9 of the application was also incomplete. Ms. Scuri concurred.

**Action:** Motion by Commissioner Sauter and seconded by Commissioner Vergara to grant Golden Boy Promotions a professional boxing promoter license contingent on the completion of the application, specifically, to change the name of applicant to Golden Boy Promotions, complete item #9 and have it signed by either the president or the Agent of Service for the corporation.

**Vote:** Unanimous

**6.1.1 Golden Boy Management**

Mr. Lynch informed the Commission that prior to Oscar De La Hoya applying for a professional boxing promoters license, he was licensed as a professional boxing manager. He stated that he had a California approved boxer/manager contract with Jose Navarro. Mr. Lynch added that it had been the past Commission's position to permit the promoters to have boxer/manager contracts with boxers if they don't see any conflict of interest involved. He further stated that if the Commission believed that it would benefit the boxer, the boxer/manager contract was approved. He stated that in this case, he could not see a conflict of interest. Mr. Lynch explained that Mr. Navarro does not fight for

Golden Boy Promotions, Mr. Navarro has an agreement to fight for DiBella Entertainment. Additionally, Mr. Lynch stated, both parties would like to continue the contract. With this in mind, Mr. Lynch recommended that the boxer/manager contract be approved.

**Action:** Motion by Commissioner Sauter and seconded by Vice-Chairman Costa to approve the boxer/manager contract between Golden Boy Promotions and Jose Navarro.

**Vote:** Unanimous

## **6.2   Cung Le - dba USH! Entertainment - Amateur Martial Arts Promoter - Original**

Since Mr. Le did not meet all licensing requirements, he was taken off the agenda.

## **6.3   Art Dore - dba American Boxing and Athletic Association - Amateur Boxing Promoter - Original**

Mr. Lynch informed the Commission that Mr. Art Dore dba American Boxing and Athletic Association (ABAA) was applying for an original 2002 amateur boxing promoter license. Mr. Lynch stated that the ABAA had appeared many times before the Commission in an effort to promote amateur tough-man competitions. He stated that these contests are basically elimination rounds in which a contestants keeps advancing by fighting winners of other bouts. Mr. Lynch stated that the rules are very straightforward. He stated that you may not participate if you are a professional and a contestant may not have had more than five amateur bouts. Mr. Lynch explained that headgear and over-sized gloves are used, there are three one-minute rounds, etc. Mr. Lynch added that ABAA is licensed in numerous other states including Nevada and none of those states have reported any serious injury or infractions. Mr. Lynch also stated that the ABAA will provide updated regulations for Commission review.

At this time, Mr. Lynch pointed out that staff would be making a recommendation after the ABAA has made a presentation.

Mr. Art Dore stated that the provided handbooks containing the regulations necessary for the amateur tough-man competition. Mr. Dore stated that he had been promoting these type of contests for twenty-three years and had done over 2,000 actual tournaments around the country. Mr. Dore reported that this was the safest type of boxing due to the short rounds, large gloves and headgear. He stated that in addition to the standing eight-count rule, if there are cuts, the bout is stopped. Mr. Dore made the comment that this sport is to have a good time, and he does not want anyone to get hurt. He also stated that

the ABAA is in good standing with other Commissions and is willing to adopt new rules if the Commission requests.

Chairman Soto asked Mr. Dore how many doctors are presently required to be ringside. Mr. Dore replied that one is required, although the ABAA prefers to have two and usually two are present. Chairman Soto then asked if ambulances were required to be on site at these events. Mr. Dore responded that in addition to ambulances, there is oxygen on site. Ms. Scuri stated that if the Commission were to approve the license that the ABAA would have to follow the Commission rules if they conflict with the ABAA's rules. Commissioner Sauter asked what the financial implications of approval of the ABAA. Mr. Lynch stated that it would be treated the same as any other boxing event. He stated that it would be regulated by the Commission and taxes would be collected the same as other events. Ms. Scuri explained to Mr. Dore that the Commission has two choices in regulating boxing in the State of California. She stated one is that the Commission would directly regulate or the Commission can delegate it to certain non profit organizations such as USA Boxing which currently has delegation.

Commissioner Ducheny asked if Mr. Dore was seeking the same delegation as USA Boxing. Ms. Scuri commented that if Mr. Dore wanted to be licensed as an amateur boxing promoter, he would have to abide by the rules and regulations of the California State Athletic Commission.

Mr. Dore stated that his request is to be authorized the same as USA Boxing with ABAA rules. Ms. Scuri asked for clarification as to whether Mr. Dore was seeking a license as an amateur promoter or to conduct contests in which his own rules were enforced. Mr. Dore stated that ABAA wished to be considered the same as USA Boxing. Commissioner Vergara asked if this was a nonprofit organization to which Mr. Dore replied that it indeed was.

Mr. Lynch recommended that Mr. Dore be granted a temporary license in order to become familiar with the process and if there are no complications to reconsider at that time for a permanent license. Ms. Scuri stated that a temporary license was not what Mr. Dore was requesting. Commissioner Michelman stated that without an application and more information, he could not vote either way. Ms. Scuri suggested that Commission staff prepare a report outlining the differences in rules between the Commission rules and the proposed ABAA rules. Commissioner Vergara asked what officials would be used. Mr. Dore replied that Commission officials would be used. Commissioner Sauter noted that if a new form of competition was created, the financial implication is unknown. Commissioner Sauter recommended that Commission staff prepare a presentation stating what ABAA is what the rules are, what the implications are and what are the ramifications are. He believes more information needs to be gathered. Commissioner Ducheny asked Mr. Dore if a contestant has won five fights, would he then no longer be able to compete. Mr. Dore answered that the rules state that a contestant cannot have won more than five sanctioned amateur bouts. For clarity, Commissioner Ducheny asked if a contestant could then lose ten bouts, yet still compete. Mr. Dore stated, essentially yes that could occur. Commissioner Ducheny stated that he was not impressed with this



sport, and did not consider it boxing. He felt that it was a mockery of true boxing and could not endorse this sport. Commissioner Sauter again stated that more information needed to be gathered. Ms. Scuri asked if Commissioner Sauter would like a history on previous appearances by the ABAA. Commissioner Sauter stated that he would like organized information presented to the Commission. Mr. Dore stated that he would gather a presentation as soon as possible. Vice-Chairman Costa asked if the video could be viewed to get a broader perspective. It was agreed to view the videotape.

(videotape of ToughMan Competition viewed)

Commissioner Michelman stated that he has seen this type of competition before and reiterated what Commissioner Sauter had stated earlier that more information is needed as to exactly what Mr. Dore wished to accomplish in California before he could express an opinion. It was asked as to why ABAA was a nonprofit organization. Ms. Scuri explained that ABAA had previously appeared before the Commission for a professional boxing promoters license. This could not be granted due to the fact that contestants would not qualify because they would not have been able to show their skill. Ms. Scuri further explained that if the ABAA wanted to conduct business under Business and Professions Code 18646 you must be a nonprofit organization. Commissioner Ducheny asked Mr. Dore how he gets paid if the organization is nonprofit. Mr. Dore stated that he was not paid. Commissioner Ducheny asked if Mr. Dore would make available the financial statements as to who on staff for ABAA was being paid and how much. Mr. Dore stated that he could provide that information. Commissioner Sauter recommended that Commission staff prepare an orderly coherent evaluation of this proposal including financials and cost to the Commission if this proposal were to be approved.

Mr. Dore suggested that he work temporarily with Commission staff to promote a show to show the Commission exactly what is entailed and use Commission officials. Ms. Scuri stated that the law does not allow for the Commission to permit this to be done on a trial basis. Ms. Scuri stated that the Commission would need the staff analysis before a decision could be made as to an amateur boxing promoter license. She stated that the Commission could temporarily authorize ABAA under B&P Code 18646. Mr. Lynch suggested the Commission wait until the staff analysis was done.

**Action:** Motion by Commissioner Sauter and seconded by Commissioner Vergara to postpone a decision until staff analysis is done.

**Vote:** Unanimous

**7. REQUEST FOR LUMP SUM DISTRIBUTION OF PENSION BENEFITS - MEDICAL DISABILITY - ACTION**

**7.1 J.B. Williamson - Professional Boxer**

Mr. Lynch stated that J.B. Williamson was a professional boxer and world champion. Mr. Williamson is requesting a lump sum distribution of his pension benefits pursuant to Business and Professions Code 18887. Mr. Williamson has been under the care of the

Veterans Affairs hospital in Indianapolis. Mr. Lynch explained that in a report provided by the Veterans Affairs hospital Mr. Williamson suffers from a degenerative joint disease in his ankles and knees as well as his back. The report also testifies that the bone disease is attributed to boxing. Mr. Lynch noted that Dr. Paul Wallace, Dr. Smith Ketchum and Dr. Van Lemons reviewed the report. Mr. Lynch reported that both Dr. Wallace and Dr. Ketchum agreed that his disabilities are due to his fighting career, however Dr. Lemons suggested that additional orthopedic evaluation may be necessary. Mr. Lynch stated the Mr. Williamson is entitled to approximately \$7735 in an early retirement benefit. Mr. Lynch recommended that the medical disability retirement distribution be granted. Commissioner Michelman asked if Mr. Williamson would be sent a letter regarding his options regarding Mr. Williamson. Mr. Lynch stated that this was explained to Mr. Williamson, however an additional letter could be added.

**Action:** Motion by Chairman Soto and seconded by Vice-Chairman Costa to approve the lump sum distribution.

**Vote:** Unanimous

## **8. LEGISLATION UPDATE - INFORMATION**

### **8.1 SB1652 - Sher - Athlete Agents**

Mr. Lynch informed the Commission that last year Senator Sher introduced a bill that would require the Athletic Commission to regulate Athlete Agents. This bill was unanimously passed by both the Senate and the Assembly, however, the Governor vetoed it. This veto was based on the funding request by the Athletic Commission for \$547,000. Mr. Lynch stated that this bill has been reintroduced by Senator Sher but this time the Athletic Commission was deleted from the language and the Department of Industrial Relations will inherit this item.

### **8.2 SB1749 - Polanco - Hepatitis C Testing**

Mr. Lynch informed the Commission that this was legislation that was spearheaded by Commissioner Ducheny. Mr. Lynch stated that on April 8, 2002 SB 1749 was heard by the Senate Business and Professions Committee comprised of Senators Figueroa, Johannessen, Machado, Morrow, Murry, O'Connell and Polanco. He stated that this bill adds Hepatitis C testing as a requirement of licensure plus it modifies the frequency of testing for HIV and Hepatitis B & C. Mr. Lynch noted that this bill passed the Committee on consent.

### **8.3 November 2002 Constitutional Amendment Initiative - Gaming Control Act**

Mr. Lynch stated that this initiative would have legalized all forms of gambling within the state. Included in this initiative was the elimination of the Athletic Commission. He stated the jurisdictional responsibilities would have been taken over by the California Gaming Commission. Mr. Lynch added that the unknown backers of the initiative have withdrawn the measure due to the \$5-6 million cost. He also stated that he was informed that they will try for the March 2004 ballot.

## **9. MIXED MARTIAL ARTS - INFORMATION/ACTION**

Mr. Lynch stated that at the last Commission meeting, Commissioner Michelman requested that this item be placed on the agenda to see where the Commission stands in regard to seeking legislation for the adoption of Mixed Martial Arts. Mr. Lynch informed the Commission that on March 20, 2002, Mr. Lynch and Mr. Mike Burns met with Senator Polanco to discuss this very topic. Mr. Burns is a Los Angeles based sports/athletic agent who arranged the meeting. Mr. Lynch added that Mr. Burns' firm is interested in promoting mixed martial arts events. Senator Polanco advised Mr. Lynch and Mr. Burns that he would consider legislation to fund the program contingent upon our mixed martial arts regulations being approved by the Office of Administrative Law. Mr. Lynch stated to keep in mind that due to all of the control agencies, getting regulations approved is approximately a nine-month process.

Mr. Lynch then advised that several meetings ago the Commission and the Martial Arts Advisory Committee requested a legal opinion as to whether or not non-governmental funding could be a funding source for the regulation of mixed martial arts. He stated that Ms. Scuri's analysis of the issue draws two conclusions:

1. The Commission may not establish a nonprofit organization to raise funds for regulating mixed martial arts.
2. The Commission may, with the approval of the Director of the Department of Finance, lawfully accept gifts or money from outside sources for the purpose of providing start-up funding to regulate mixed martial arts events. We can find no provision for private individuals to make a loan to a state agency.

Mr. Lynch then stated that on April 22, 2002 this item will be heard before the Senate Sub-Committee. He also stated that Commissioner Ducheny as well as himself will be present to testify. Commissioner Sauter asked the Commission where it stood on the prospect of mixed martial arts. Commissioner Ducheny explained that the Commission went through a regulatory process. Commissioner Sauter then asked if the Commission had went through the regulatory process because the Commission wanted to regulate mixed martial arts. Ms. Scuri replied that the Commission already had the authority to regulate mixed martial arts but the rules that they need to operate under are different than the existing set of rules. Ms. Scuri additionally stated that this was necessary due to the fact that it needed regulating and it wasn't being regulated. Commissioner Sauter asked if these events were currently being held in the state, to which Mr. Lynch replied, "Yes". Ms. Scuri stated that the Commission had a responsibility to regulate it, but was unable to regulate it unless they made these groups that do mixed martial arts more of a combination of grappling and other things rather than kickboxing. She further stated that the only rules the Commission has is for kickboxing. Ms. Scuri noted that mixed martial

arts needed it's own set of regulations for health and safety reasons. She added that after the lengthy process of going through the process of developing regulations the Commission was informed that there was no source of funding. Commissioner Ducheny explained that since the contestants were skilled competitors, and the state would benefit financially, it was an issue that the Commission was to pursue. Commissioner Michelman stated that he was compelled to agree to regulate mixed martial arts was the fact that the rules had been adopted in other jurisdictions and what it could do for the State of California. He stated that the fact that it was illegally being promoted had no bearing on his decision. Commissioner Michelman felt that local law enforcement should have stopped these events. Mr. Barajas stated that mixed martial arts events were being held at reservations where the Commission had no jurisdiction. Ms. Scuri informed the Commission that the Department of Finance killed the regulations. She stated that it was a "catch-22" in that without funding they will not approve regulations, without regulations they will not approve funding. Ms. Scuri stated that legislation was the only way to resolve this impasse. Commissioner Michelman requested that this item be placed on the agenda for the next meeting.

**Action:** No action was taken

**Vote:**

## **10. COMMITTEE REPORTS – INFORMATION/ACTION**

### **10.1 Arbitration Committee Report**

Mr. Lynch informed the Commission there was no new information to report.

### **10.2 Pension Plan Review Committee Report**

Commissioner Michelman informed the Commission that he had had two or three telephone conferences regarding the pension plan and obtaining more information in terms of it's past performance and what the Commission would like to do in terms of a recommendation from the Commission at large. He stated that making a recommendation at this time would be premature. Commissioner Michelman added that he is in the process of working with the pension plan lawyers as well as the asset advisors, First Union, to ascertain what to do in order to go forward. He expects to have a full report for the next Commission meeting.

### **10.3 Medical and Safety Standards Advisory Committee Report**

#### **10.3.1 Appointment of Members to Vacant Positions - Commissioner Sauter**

Commissioner Sauter informed the Commission that the Advisory Committee had been operating with three vacancies in the Advisory Committee. He stated solicitations were made to fill the vacancies and approximately fifty applications were received.

Commissioner Sauter advised that from that pool, three doctors were selected to fill the vacancies, primarily by Dr. Wallace. The doctors chosen were:

1. Dr. Clarence Shields of Los Angeles who is an orthopedic surgeon and president of the American Orthopedic Society for Sports Medicine.
2. Dr. Steven Sternschraber of Beverly Hills who is an ophthalmologist. Dr. Sternschraber has done a great deal of consultation to the Commission.
3. Dr. Gino Signorino of Orange County who is a ringside physician and Co-Medical Director of USA Boxing, Inc.

Commissioner Michelman inquired regarding the selection criteria. Commissioner Sauter stated that the following was considered:

1. The prospective doctors specialty.
2. Familiarity of the doctors with the sport.
3. Inclination of the doctors to participate full time.

Commissioner Sauter stated that the above three doctors are recommended to the Commission for approval to fill the vacancies of the Advisory Committee. Commissioner Sauter suggested that once the vacancies are filled that the Advisory Committee meet to discuss setting a structure for the Advisory Committee in order that a report may be given to the Commission.

**Action:** Motion by Commissioner Sauter and seconded by Commissioner Vergara to approve the above mentioned doctors to the Advisory Committee and then to come back with a process for bringing these recommendations to the Commission in the future.

**Vote:** 5-1

**Ayes:** Chairman Soto, Vice-Chairman Costa, Commissioner Michelman, and Commissioner Vergara.

**Noes:** Commissioner Ducheny

### **10.3.2 Advisory Issues - Commissioner Sauter**

- Pregnancy Waiver/Consent Forms
- Physicians' Malpractice
- Review of Neurological Testing

Commissioner Sauter informed the Commission that these three items are in the advisory stage. He stated that he had previously mentioned a situation with a female fighter in Connecticut nine months ago in which a female kickboxer was unable to compete due to a positive pregnancy test. Commissioner Sauter requested that a meeting be held to discuss the issue of pregnancy testing and the repercussions of competing in a pregnant state.

Commissioner Sauter recommended a meeting also be held to discuss the malpractice of physicians. During this meeting he would like to discuss the legality issues and options.

Commissioner Sauter informed the Commission that Dr. Gluckman, a ringside physician of San Pedro, would be making a short presentation regarding neurological testing.

Dr. Gluckman informed the Commission that he had been a ringside physician for many years. He stated that there are two aspects as to what the neurologist performs. One aspect is a clinical exam in which the balance, motor strength, and reflexes are tested. Dr. Gluckman stated the other aspect is a neurological psychological component. He stated that in 1985 he had been contacted by the Commission regarding solicitation of neurologists and neurosurgeons to carry out the neurological psychological examination. The Commission was requesting low bids, the lower the bid, the more likely it was that you would receive the contract. Dr. Gluckman stated that he was interested due to the fact that his father was an amateur boxer. Dr. Gluckman pointed out that he immediately contacted the Executive Officer of the Commission, Ken Gray. He stated that during this conversation, Dr. Gluckman offered a bid of approximately 5-10% off of his normal price for these examinations. He stated that he was contacted a year later by Mr. Gray regarding an interview with the Commission.

At that point, he informed the Commission the exam consisted of cognitive testing. He noted that there were concerns regarding the language, education and cultural bias. Dr. Gluckman added that the fee for each exam was approximately \$175-\$200 and was approximately 45 minutes to an hour long. He noted that the State would be incurring these fees to insure independent findings.

Dr. Gluckman further stated that in 1992 he was involved in a validity study which was a series of the top people in the country including; Michael Alexander, who used to run the neurology sections for American Academy of Neurology annual meetings, Muriel Lezack who author books on neuropsychology, Barry Gordon who was conducting a study at John Hopkins with 500 amateur boxers, and Jeff Cummings from UCLA who was the leading authority on Alzheimer's. These doctors, along with others, were brought in to access the examination and it's validity. He stated the conclusions were that the examinations were not biased. Further, the largest correlation to the failure rate was with the boxers record. Dr. Gluckman stated that the failure rate during the first three years was approximately 8%.

Dr. Gluckman stated that the cost of the examination became a factor later, and there was discussion as to the issue of length of the examination and whether or not the examination could be shortened and yet remain thorough. He stated that the other doctors that were doing these examinations were contacted and asked if the pertinent questions remained in the exam, could the cost be lowered to approximately \$100 to be done in 30 minutes. The doctors concurred that this was feasible.

Dr. Gluckman noted that the Nevada Athletic Commission had challenged the examination process. He stated that the Nevada Commission conducted a test with a

study group of 30 individuals of which two were boxers. The findings of the Nevada Commission were that 50% of those individuals failed the examination. Dr. Gluckman further noted that the examination given, although the same, did differ in the criteria for failure. He stated that the Nevada Commission failed the individual if the individual did not pass any portion of the examination. He stated that the California Commission used a different criteria in being that an individual must fail four out of the nine sections or multiple sections. Dr. Gluckman explained that if the California criteria were used, only two failures were ascertained from the study group, one failure being a boxer.

Dr. Gluckman stated the examination was again challenged for fairness four years ago. He stated at this time adjustments were made for a portion of the examination to be changed to a mini mental status examination. He further explained that this change was done to not to pick up cognitive impairment, but to detect Alzheimer's disease. Dr. Gluckman added that at this time, this examination was "cutting edge" in sports medicine. He noted that this examination is no longer "cutting edge" but a general practice among sports medicine.

Commissioner Sauter asked Dr. Gluckman, in his opinion, how valid is our testing at this time. Dr. Gluckman responded that the current examination is not picking up much at this point. Commissioner Sauter then asked what the current rejection rate is. Dr. Gluckman stated that he did not currently know, but suspected the rate to be close to 0% failure. Commissioner Sauter further questioned the validity of the test to which Dr. Gluckman stated that the test no longer meets the goal in the beginning.

Commissioner Sauter stated that a goal of the Advisory Committee is to come up with a real understandable appraisal of where we are today, where our goals should be realistically be and scan what options may exist for the Commission.

After a lengthy discussion, Commission Sauter commended Dr. Gluckman for his interest in this subject and thanked him for his time to participate in a forum on this issue.

### **10.3.3 Injury Update - Dr. Wallace**

Dr. Wallace stated that he is currently working with staff to obtain all injuries so that he may report to the Commission. He explained that he would like to discuss two issues that are medically related.

Dr. Wallace informed the Commission that there was an occurrence in San Jose in which there was a non-licensed person who was in the corner of a kickboxer between rounds and administered an ammonia inhaler to the kickboxer. He further stated that the particular kickboxer was "taking a beating" before the illegal substance was used. He stated that subsequently that particular kickboxer came back and knocked out his opponent. Dr. Wallace explained that there is full investigation regarding this incident so that a protocol can be made. He stated that the rules currently state that the physician is to confiscate the item, but it does not state what to do further. He noted that he had written a report on this issue and had submitted it to the Executive Officer.

Dr. Wallace informed the Commission the second issue at hand was an issue with blood results pertaining to a particular fighter. He explained that there were media articles that this fighter had been told that he was HIV positive and then later informed that he was not positive. He stated that although he was not present, it was his understanding that the incident did occur. Commissioner Sauter asked where the bout took place to which Dr. Wallace replied in Hollywood Park. Commissioner Sauter asked what the process was in which the fighter was informed of the results of his blood work. Dr. Wallace replied that it was his understanding that the fighter was told that he would not be allowed to fight because he was positive for HIV. Dr. Wallace added that he was unaware of who told the fighter these results. At this point, Mr. Lohuis said that through Dr. Gluckman's lab, a preliminary blood test was done. Dr. Gluckman stated that the results from the preliminary test indicated that it was indeterminate and that the lab would be rerunning the test. Dr. Gluckman added that his office contacted the lab several times regarding the status of the test. He stated that office staff at his office was told that it was a "weak positive" and this information was incorrectly relayed to the Mr. Lohuis. Mr. Lohuis at that time cancelled the fight pursuant to the rules that the fighter must have a negative test result in order to compete. Mr. Lohuis stated that he informed the boxer's manager of what Dr. Gluckman's office staff had relayed to him in that a "weak positive" had been obtained for HIV. Mr. Lohuis then stated he informed the manager that another test was being run. Mr. Lohuis explained that approximately an hour later, he was contacted by Dr. Gluckman's staff that the test had returned negative. Ms. Scuri commented that these tests are confidential and the requirement of the Commission is that the boxer submit a negative test result. In the future, she suggested that the boxer be told that "at this time we do not have a negative test result". Ms. Scuri felt that this would be a more appropriate statement to make. Mr. Lohuis stated that if he had used different verbiage, perhaps this dilemma would not have taken place.

After further discussion, it was agreed that staff would review time frames regarding the acceptance of blood results. Dr. Wallace stated that he would be agreeable to meet to discuss this issue.

#### **10.4 Legislative Committee Report**

Commissioner Ducheny stated that there were no new issues to report.

#### **10.5 Officials' Committee Report**

Vice-Chairman Costa informed the Commission that the Referee evaluations were very good. He stated he had received a good report from the Referees clinic in Southern California. He further stated the next clinic would take place in Sacramento on May 25, 2002.

Chairman Soto stated that he was in attendance at the clinic in Southern California. He stated that he felt that Mr. Lohuis was being too stringent with the Referees regarding their appearance. Mr. Lohuis stated that he made the comment that as a successful



official, part of his success is based on how he is dressed. Mr. Lohuis stated that the initial perception of the public of the officials is important. Commissioner Sauter stated that the current dress code is unacceptable to him. Commissioner Sauter did agree that how an official is dressed is a first impression to the public and is important.

Commissioner Sauter commended Mr. Lynch, Mr. Lohuis and Mr. Barajas for a well-run clinic.

## **10.6 Amateur Boxing Committee Report**

Commissioner Vergara informed the Commission that he had attended a USA Boxing tournament in Las Vegas on April 2 – April 6. He stated that 16 regions were represented at the tournament. He explained that there were two shows per day, one in the morning and one in the evening. He stated that it was his understanding that the winners of these bouts would eventually progress to the Olympics.

Commissioner Vergara further informed the Commission that the Golden Gloves tournaments would be held in the next month. He added that the Nationals would be held in Denver after the Golden Gloves. Commissioner Vergara stated that usually the tournament for the Golden Gloves is held in Los Angeles where the franchise is, but it was his suggestion that the next one be held in Ventura or Oxnard.

## **10.7 Strategic Plan Committee Report**

Commissioner Sauter commended Kathy Chilimidos on a superb job of contacting the licensees regarding issues with boxing in California. He further stated that Ms. Chilimidos had submitted a lengthy list of credibly problems. He stated he felt the list needed to be narrowed and to determine what the goal would be if the Commission wanted to achieve those initiatives. Commissioner Sauter recommended that a meeting be held to identify what the Commission would like to accomplish in each of those areas, a timetable, and an accountability process. Mr. Lynch agreed with Commissioner Sauter and stated that a meeting will be set.

## **10.8 Martial Arts Advisory Committee**

### **10.8.1 Mixed Martial Arts Report – Dr. Nelson Hamilton**

Dr. Hamilton asked the Commission if they had received his reports regarding mixed martial arts. The Commission replied that they had received the reports. Dr. Hamilton asked if there were any questions regarding his report. Dr. Hamilton stated that in his first report, he had stated that there was an all-female mixed martial arts event scheduled in the state of Indiana. Dr. Hamilton mentioned that he had read an article the previous day and by all accounts it was an outstanding event containing quality bouts and was a financial success. He stated that due to this, there would be more events scheduled in that state. Vice-Chairman Costa asked the Commission if there were any questions. There were none.

Vice-Chairman Costa asked Mr. Lynch if anything was being done regarding the illegal mixed martial arts events. Mr. Lynch informed the Commission that “cease and desist” letters had been sent, however, it was up to local law enforcement to enforce.

Both Commissioners Sauter and Michelman suggested that law enforcement, perhaps State Police be contacted the day of the illegal event. Mr. Lohuis stated that the last time the Los Angeles County Sheriff’s Department was contacted, the Sheriff’s Department decided that due to the crowd it was too dangerous to disburse and left. Mr. Lohuis stated due to the outcome of that attempt, no further attempts had been made. Commissioner Michelman asked if perhaps an injunction could be done beforehand. Mr. Lohuis stated that this had been attempted also before. He stated that when the authorities arrived at the event, they felt that it was more dangerous to stop the event than to let it proceed. Commissioner Michelman stated that if a restraining order is obtained, then after the event the promoter could be cited for contempt. He added that this may possibly help to resolve the situation.

Commissioner Michelman asked Ms. Scuri if this issue could be address on an emergency agenda basis. Ms. Scuri stated that there were only two reasons when you can add emergency items to the agenda:

1. Work stoppage of a critical nature to the State
2. Emergency in the form of a natural disaster

Ms. Scuri explained that with this criteria, adding it to this agenda would not be feasible. Commissioner Sauter asked if the Commission has the authority to get a resolution to ask the Attorney General’s Office to go to court and get a temporary restraining order. Ms. Scuri replied that the Commission does not need to obtain such a resolution, and that staff may take that direction and assume that responsibility. Commissioner Michelman then suggested to Mr. Lynch that this be done and place the issue on a future agenda.

## **11. AGENDA ITEMS FOR FUTURE MEETINGS**

1. Enforcement regarding mixed martial arts.
2. Options to broaden the spectrum of attendees to the Commission meetings.
3. Proposal to change Rule 711 on amateur headgear to make it consistent with the law.

## **12. COMMISSIONERS’ COMMENTS AND/OR RECOMMENDATIONS**

It was the consensus of the Commission and the public attending that the meeting in June will be held on Wednesday, June 12 at 10:00 a.m.. The following meeting will be held on August 15, 2002.

Commissioner Sauter congratulated Commissioner Michelman regarding becoming a father again since the last meeting.

### **13. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Jack Reiss stated that there were two issues that a Referee often times is criticized on which are:

1. When to take points away from a fighter, or disqualify a fighter
2. When to stop the fight or not

Mr. Reiss stated that he felt that the Commission staff determines the Referees "fate" without the Referee having a say in the matter. He stated that he felt that the Referee needs to be more involved in the evaluation process and be informed of the repercussions of a unsatisfactory evaluation.

Dr. Wallace informed the Commission that there is an ABC (Association of Boxing Commissions) scheduled and that he felt that it would be in the best interest of the Commission to attend. He added the meeting is July 31, 2002 in Miami. Dr. Wallace felt that it would be beneficial to any of the Commissioners if they could attend.

Mr. George Del Junco thanked the Commission for the action taken against Mr. Maldonado. Mr. Del Junco explained that Mr. Maldonado had owed Mr. Del Junco approximately \$5000 in a "bad" check scenario, to which Mr. Maldonado refused to make good. Mr. Del Junco stated that the Commission had suspended Mr. Maldonado's Managers license. It is his understanding that Mr. Maldonado may take legal action against the Commission. Commissioner Ducheny assured Mr. Del Junco that our legal counsel would take care of the matter.

The meeting was then adjourned.

The draft minutes were prepared by:

\_\_\_\_\_  
JESSICA FINCH

\_\_\_\_\_  
DATE

The final minutes were prepared by:

\_\_\_\_\_  
JESSICA FINCH

\_\_\_\_\_  
DATE